

**BOARD OF SELECTMEN
MEETING MINUTES
THURSDAY, JUNE 2, 2005
ABLONDI ROOM**

Attendance: Katherine E. Murphy, Chair; Charles J. Sisitsky, Clerk; A. Ginger Esty, Member; Dennis L. Giombetti, Member

Staff: Mark J. Purple, Assistant Town Manager; Matthew A. Romero, Executive Assistant

The Chair called the meeting to order at 7:00 PM and reviewed the agenda.

Public Participation

William LeBarge

Mr. LeBarge commented on his dissatisfaction with the changes to traffic flow at the intersection of Concord Street, Waverly Street and Irving Street, and asked if they could be reconsidered. Ms. Esty explained that the changes were not correct, and suggested that the Highway Department look into the matter further.

Ahsan Lari

Mr. Lari spoke about construction in Framingham, listing various incidents that he had noticed in Town. Ms. Murphy suggested that he meet with Mr. Purple to discuss the issue in greater depth. Mr. Lari also commented that he had had trouble when he had walked into the office and tried to meet with the Town Manager. Ms. Esty wondered if the process for obtaining street opening permits was no longer being followed. Mr. Sisitsky responded that he knew that the Department of Public Works (DPW) was very strict in its policy for granting street opening permits. Ms. Esty asked about pole relocations, and Mr. Sisitsky explained that utilities were not obligated to inform the Town if a pole was being relocated within a few feet. However, he said the Board might be able to deny the utility's requests for permits until they correct problems that they had done in the past, such as repairing residents' damaged property or landscaping. Mr. Giombetti wanted to know what Verizon's policy was to check up on their contractors' work after it was performed.

Consideration of a request to increase hours on Sundays for a Common Victualer License for Desmond O'Malley's (30 Worcester Road)

The regional district manager for Classic Restaurant Concepts d/b/a Desmond O'Malley's and Mr. Jason Brady, Assistant General Manager for Desmond O'Malley's were present to discuss the request. The request to increase hours on Sundays was to provide brunch and no alcohol would be served before noon. Mr. Giombetti asked about the advertisements he had seen for the brunch already and was informed that the signs did not denote a start time, but advertised that brunch was served until 3:00 PM.

MOVED: To approve the request to increase hours on Sundays for a Common Victualer License for Desmond O'Malley's.

Motion: Mr. Sisitsky

Second: Ms. Esty

VOTE: 4 – 0

Consideration of Danforth Memorial Building 53 E ½ Request for Increase

Mr. Purple summarized the memo submitted to the Board, explaining that the Director of Building Services, Mr. Jim Egan, had delineated higher heating and operational costs for the Danforth Building. The 53 E ½ account had a ceiling of \$40K, which could not be exceeded unless the Board and the Finance Committee jointing vote to increase the limit. Mr. Richard G. Howarth, Jr., Acting CFO, had recommended that the Board vote to increase the limit from \$40K to \$55K for FY 2005 to cover the increase anticipated for these increased costs. Mr. Purple clarified for Mr. Sisitsky that the fund covered both the Danforth and the Memorial Building, and that the amount requested reflected the increases for both buildings. The additional expenditure would be covered by additional revenue generated by the revolving account.

MOVED: To increase the spending limit of the Danforth Memorial Building 53 E ½ to \$55K consistent with the Acting CFO's recommendation.

Motion: Mr. Sisitsky

Second: Ms. Esty

VOTE: 4 – 0

Consideration of a request to name a square (Mayo/Collins Square)

Ms. Mary Murphy read a summary of the request to name the square at the intersection of Edgell Road and Oak Street as the Mayo/Collins Square, in honor of Ms. Louise Parker Mayo and Ms. Josephine Collins who were jailed for picketing for suffrage for women during the presidency of Woodrow Wilson. Mr. Sisitsky wanted to confirm that the correct process was followed, and asked if the Planning Board (PB) needed to be involved, or if it required a public hearing. Ms. Mary Murphy admitted she was unsure as well. She pointed out that Mr. Egan and Mr. Bob Merusi, Director of Parks and Recreation, had overlapping but differing jurisdiction over the plot. She had also been told that the DPW might have the jurisdiction. Mr. Sisitsky and Ms. Esty confirmed that the DPW would not be involved. Mr. Sisitsky suggested referring the matter to Town Counsel to ensure that the correct process would be followed. Mr. Purple informed the Board that Town Counsel was looking into the matter already with regard to Tercentennial Park.

Consideration of a letter to the state legislators relative to sex offenders

Ms. Esty read her motion and reviewed the information she had submitted for proposed legislation with regard to sex offenders. Mr. Sisitsky stated that having had time to review the material submitted by Ms. Esty he was in support of her motion.

MOVED: That the Board request the governor, state representatives and state senator to support and/or sponsor a bill and/or an amendment to a bill, which would allow the law enforcement officials to place the ankle bracelets currently approved for Level III offenders on any unregistered offenders.

Motion: Ms. Esty

Second: Mr. Sisitsky

VOTE: 4 – 0

Conference with Stop Tax Exempt Private Properties Sprawl) STEPPS

Ms. Mary Westwater was present to discuss the concerns of STEPPS and reviewed a list of concerns and questions with regard to tax exempt private properties in the Town.

Ms. Cynthia Laurora explained that she enjoyed the ethnic and socioeconomic diversity in the Town, and the Town's commitment to help the disadvantaged. However, she felt that there was too high a concentration of social service entities in the Town.

Mr. Ted Cosgrove, Town Meeting Member Precinct 11, also spoke on behalf of STEPPS's concerns. He was concerned that even though he was very involved in Town government he had been unaware of the project until he had read an article in the local newspaper. He requested the support and resources of the Town in this matter. He suggested formulating PILOT agreements and forming a Citizen's Action Committee.

Dr. Harold Silverman read a prepared statement concurring with STEPPS's concerns.

Ms. Patty Cohen commented that Framingham was beginning to be viewed in a negative light by other communities due to the amount of SMOC facilities in the Town.

Ms. Janice Skelley asked when the questions in the letter sent to the Board would be addressed. Ms. Murphy explained that the Board would look at all of the questions and would respond to as many as they could as quickly as possible. Mr. Sisitsky warned the residents that the Board's answers could be limited. Ms. Murphy asked if STEPPS was planning on meeting with SMOC. Mr. David Westwater answered that STEPPS had informed SMOC that it would only meet at an official Selectmen's meeting. Ms. Esty recounted past experiences with SMOC in which the Board's concerns and wishes had not adequately been met. Mr. Giombetti pointed out that the neighborhood's request to have SMOC to come in to address this issue specifically was a separate issue from the social services summit the Board had already called. Mr. Sisitsky noted that much of the issue lay with the state and federal agencies that provided funding, and provided relief like PILOTs. Mr. Sisitsky commented that he did not believe that this particular facility fell under the provisions of the Dover Amendment. In response to a comment by Ms. Esty, Mr. Sisitsky clarified for the record that while his name had been listed on the SMOC website as a member of their Board of Directors, he had never been on their Board of Directors.

Ms. Skelley stated that the purchase and sale agreement would be closing within a few days, and wondered what caveats could be imposed on the agreement. She pointed out that it was an historical site and wondered if that gave the Town any leverage. She also questioned how property could be bought and removed from the tax rolls by non-profit organizations.

Mr. Steve Orr opined that there was a level of entrenchment of SMOC in Framingham, as demonstrated by listing an elected official on its Board of Directors without his or her knowledge or consent. He felt that the policy of the Town could affect the taxes in the Town.

Mr. Peter Adams asked that the Board rescind support of the Advocates grant that had been voted a couple of weeks prior.

Ms. Westwater asked for the Town's assistance in investigating the zoning and what the property could be used for. Mr. Giombetti suggested investigating the process and find out what permits would be needed by SMOC to continue the process.

Dr. Silverman suggested contacting OSHA to inspect the property.

Town Counsel update – Estoppel Certificate for 100 Crossing Boulevard

Mr. Christopher J. Petrini, Town Counsel, gave an overview of the information that had been provided to the Board. Mr. Peter Barbieri recounted a brief history of the situation. He explained that in a deal involving such a large amount of money a request of an Estoppel Certificate was very typical. Mr. Petrini explained some of the limited due diligence he had performed to confirm that there were no known issues related to the property. He did not believe there were any environmental problems with this property, despite the site being a former landfill. Town Counsel recommended signing the Estoppel Certificate. Ms. Esty reminded the Board that she had been a commissioner during some of the time being discussed, and she gave an overview of the history of the site. She asked about the restrictions on the property for not building. Mr. Petrini believed it was included in the landfill agreement. Mr. Barbieri responded to Ms. Esty's comments the terms of agreement for buildable areas, non-buildable areas, and open space. Mr. Petrini acknowledged that while he had not conducted any environmental studies as part of his due diligence, he was recommending that the certificate be signed, in large part due to past documentation and agreements. Mr. Sisitsky recalled that the landfill had not been closed properly and the capping of the landfill by the developer had been a good deal for the Town at the time.

MOVED: To sign the Estoppel Certificate for 100 Crossing Boulevard in accordance with Town Counsel's recommendation.

Motion: Mr. Sisitsky

Second: Ms. Esty

VOTE: 4 – 0

Selectmen's Goals

Ms. Murphy and Mr. Giombetti informed the Board that progress was being made and a report was hoped to be made the following week.

Selectmen's Reports

Mr. Sisitsky

Mr. Sisitsky had attended the DPW Director's presentation about the water and sewer systems, which was very well done. Mr. Sisitsky reported the highlights of the presentation to the Board.

Mr. Giombetti

Mr. Giombetti had attended the Resiliency for Life luncheon that was very well done. He would be going with Ms. Kathy Bartolini to a meeting with the state the following week to lobby for the Arcade TIF.

Ms. Esty

Ms. Esty expressed concern over the condition of sewer pipes. Ms. Murphy suggested asking the DPW Director to come in for an update. Ms. Esty asked if the request for a TIF committee had been passed along to the Planning Department, and Mr. Purple told her he would confirm that the Planning Department was aware of the request. Ms. Esty told the Board about the Memorial Day service, and asked that proper flag retirement protocol be looked into. Ms. Esty asked to look into the specifications of the Framingham Common. Mr. Purple agreed to bring an update to the Board. Ms. Esty had attended a meeting of the new Secretary of Transportation and the discussion of combining the MHD and the MTA.

Ms. Murphy

Ms. Murphy had also attended the Resiliency for Life lunch. She announced the concerts on the green for the summer that would begin shortly. Ms. Murphy noted that Mr. Tom Harris, Director of the Museum, was leaving and wished him well.

Ms. Murphy asked the Board's preference on the letter of support the Board had granted to Advocates the week before in view of the earlier discussion with STEPPS. Mr. Sisitsky felt that this situation was very different from the Winter Street matter, and also that to rescind the grant would be unfair at that point in time.

Ms. Esty returned the discussion to the tax free properties and suggested focusing on the appropriate non-profit taxes. Ms. Murphy suggested discussing the matter the following week. Mr. Sisitsky suggested submitting the entire letter to SMOC for its review.

MOVED: To adjourn.

Motion: Ms. Esty

Second: Mr. Giombetti

VOTE: 4 – 0

Respectfully submitted,

Charles J. Sisitsky, Clerk